

Service Date: May 24, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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In the Matter of Angelo Moreno dba)	TRANSPORTATION DIVISION
A& K Moving, Butte, Montana,)	
Application for a Montana Intrastate)	DOCKET NO. T-00.20.PCN
Certificate of Public Convenience and Necessity)	ORDER NO. 6480

ORDER DISMISSING APPLICATION AND CLOSING DOCKET

On January 21, 2000 Angelo Moreno, dba A&K Moving, filed an application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing transportation of household goods between all points and places in Silver Bow County, Montana, Class B. The application was noticed in the Montana Public Service Commission's (Commission) February monthly notice, and a protest to the application was received from Evans Transfer and Storage. On April 12, 2000 the Commission issued a Notice of Public Hearing on the application. A hearing was to be held on May 5, 2000 at the Holiday Inn Express, Butte, Montana.

On May 5, 2000, at the noticed time and location, the Commission, through a duly appointed hearing examiner, was prepared to begin the hearing on the application. Also present at that time was the protestant and its counsel, Commission staff and a court reporter. The applicant arrived 10 minutes late for the hearing, without counsel or shipper witnesses. The hearing examiner described the situation for the record, and also took for the record applicant's motion to continue the hearing and protestant's motion to dismiss the application. In support of its motion to continue the hearing the applicant indicated he did not understand the process or what he needed to do to be prepared for the hearing.

The Commission will grant protestant's motion to dismiss the application. Normally the Commission generously grants continuances, but finds that in this case a continuance is not warranted. There is little, if any, reason for a party to wait until the time and place of hearing to ask about the hearing process. The application was filed months prior to the hearing and the Notice of Hearing was issued more than three weeks prior to hearing. Commission staff is available to explain hearing procedure to applicants. When not immediately available

Commission staff return messages as soon as possible. It is not plausible that the applicant was not able to reach Commission staff prior to the time of the hearing.

Conclusions of Law

The Commission has jurisdiction over this application pursuant to Title 69, Chapter 12, MCA.

Order

The application in this docket is dismissed, without prejudice. Applicant may refile an application.

DONE AND DATED this 16th day of May, 2000, by a vote of 4-0-1.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.